

MINUTES

EAU CLAIRE CITY COUNCIL LEGISLATIVE MEETING

Tuesday, November 11, 2014

City Council Chamber

4:00 p.m.

PLEDGE OF ALLEGIANCE AND ROLL CALL

Council President Kincaid called the meeting to order. The following members were present: Council Members Catherine Emmanuelle, Kerry Kincaid, David Klinkhammer, Eric Larsen, Monica Lewis, Kathy Mitchell, David Strobel, Bob Von Haden, Andrew Werthmann, and Michael Xiong. Absent: Council Member David Duax.

CONSENT AGENDA

The Council considered a resolution adopting the Consent Agenda for the following items of routine business on Tuesday, November 11, 2014:

- Approving Minutes of Regular Meeting of October 28, 2014.
- Granting new bartender licenses.
- Granting Change of Agent for the Class B Intoxicating Liquor and Fermented Malt Beverage license of Apple Hospitality Group, LLC, d/b/a Applebee's Neighborhood Grill & Bar, 4745 Golf Road, from Peter W. Scola to Zach T. Ake.
- Granting Change of Agent for the Class B Fermented Malt Beverage license of Kwik Trip, Inc., d/b/a Kwik Trip #813, 3360 Birch Street, from Jennifer J. Engaldo to Ricki L. Braun.
- Authorizing Festival Foods to conduct the Festival Foods Turkey Trot on November 27, 2014 along city trails and sidewalks.
- Authorizing the submittal of a Certified Local Government Grant application to the Wisconsin Historical Society.
- Approving the bid and proposal for Procurement No. 2014-64, Furnish Various Water Treatment Chemicals.

Thereupon a motion was offered by Council Member Lewis and seconded by Council Member Klinkhammer "to adopt the consent resolution". Said motion passed by unanimous vote.

Council Member Duax arrived in the Council Chamber.

APPOINTMENTS

The Council considered a resolution appointing and reappointing members to the following Boards, Commissions and Committees:

Affirmative Action Committee

Kristen Raney – reassigned from Citizen Representative to Woman Representative;
term to expire June 30, 2015

Scott Morfitt – new appointment to fill unexpired term as Citizen Representative;
term to expire June 30, 2016

Bicycle/Pedestrian Advisory Commission

(three-year terms to expire Dec. 31, 2017)

Luke Hoppe – reappointment

Catherine Lee – reappointment

Marian Ritland – reappointment

Landmarks Commission

John Mann – new appointment to fill unexpired term as Citizen Member; term to expire Dec. 31, 2016

Brady Foust – reappointment to three-year term to expire Dec. 31, 2017

Plan Commission

Gregory Granlund – new appointment to fill unexpired term to expire April 30, 2017

Redevelopment Authority

(five-year term to expire Dec. 31, 2019)

Mike DeRosa – reappointment

Waterways and Parks Commission

(three-year terms to expire Dec 31, 2017)

Justin Miller – new appointment

Casey Knollmaier - reappointment

Senior Center Board

(two-year terms to expire Dec. 31, 2016)

Paula Gibson – reappointment

Gail Hoff – reappointment

Jerilyn Kinderman - reappointment

W. Grand Ave Business Improvement District

(two-year terms to expire Dec. 31, 2016)

Webster Hart – reappointment

Tommi Mattson - reappointment

S. Barstow Business Improvement District

(three-year terms to expire Dec. 31, 2017)

William Glass – reappointment

Benny Haas – reappointment

Scott Kirby – reappointment

Suzy Slota – reappointment

Zoning Board of Appeals

(three-year term to expire Dec. 31, 2017)

Carol Doyle - reappointment

Thereupon a motion was offered by Council Member Mitchell and seconded by Council Member Emmanuelle “to adopt the resolution”. Said motion passed by unanimous vote.

EAU CLAIRE CONFLUENCE INCORPORATED

The City Council considered a resolution appointing the City Council President and the City Manager to the Eau Claire Confluence, Inc. Board of Directors to oversee the development of the Confluence Arts Center. Thereupon a motion was offered by Council Member Xiong and seconded by Council Member Werthmann “to adopt the resolution”. Council Members discussed the appointments. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Lewis “to amend the resolution by inserting the word ‘interim’ before the word ‘appointment’ in the Now, Therefore Be It Resolved paragraph”. Said motion to amend failed by the following vote: Aye: Council Members Duax, Lewis, Strobel and Von Haden. Nay: Council Members Emmanuelle, Kincaid, Klinkhammer, Larsen, Mitchell, Werthmann and Xiong. The Council voted on the original motion to adopt the resolution. Said resolution was adopted by the following vote: Aye: Council Members Emmanuelle, Kincaid,

Klinkhammer, Larsen, Mitchell, Werthmann and Xiong. Nay: Council Members Duax, Lewis, Strobel and Von Haden.

SCULPTURE TOUR

The Council considered a resolution accepting the “Going for the Goal” artwork from Sculpture Tour Eau Claire for display at the Hobbs Ice Center. Thereupon a motion was offered by Council Member Mitchell and seconded by Council Member Larsen “to adopt the resolution”. Said motion passed by unanimous vote.

SHARED USE AGREEMENT

The City Council considered a resolution authorizing an extension of the shared use agreement between the City and the Indoor Sports Center. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Emmanuelle “to adopt the resolution”. Said motion passed by unanimous vote.

JEFFERS ROAD COMMUNITY GARDENS

The Council considered a resolution authorizing an extension of the lease with Eau Claire County for use of land at Jeffers Road for community gardens. Thereupon a motion was offered by Council Member Lewis and seconded by Council Member Klinkhammer “to adopt the resolution”. Said motion passed by unanimous vote.

EAU CLAIRE BASEBALL/NORTHWOODS LEAGUE

The City Council considered a resolution approving the renewal of the lease agreement between the City and Eau Claire Baseball, LLC (Eau Claire Express) and Northwoods League Inc., for the use of Carson Park. Thereupon a motion was offered by Council Member Xiong and seconded by Council Member Strobel “to adopt the resolution”. Said motion passed by the following vote: Aye: Council Members Duax, Emmanuelle, Kincaid, Klinkhammer, Larsen, Lewis, Mitchell, Strobel, Von Haden and Xiong. Nay: Council Member Werthmann.

Council Member Emmanuelle left the Council Chamber.

CHARLESTON HEIGHTS

The Council considered a resolution authorizing the City Manager to enter into a development agreement with Greenpoint Real Estate Development Fund, LLC for sanitary sewer and water main improvements to serve Charleston Heights. Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Mitchell “to adopt the resolution”. Said motion passed by unanimous vote.

Council Member Emmanuelle returned to the Council Chamber.

PRINCETON CROSSING II

The City Council considered a resolution approving a Certified Survey Map with right-of-way dedication for Princeton Crossing (CSM-9-14). Thereupon a motion was offered by Council Member Larsen and seconded by Council Member Von Haden “to adopt the resolution”. Said motion passed by unanimous vote.

The Council considered a resolution authorizing the City Manager to enter into a development agreement with Haselwander Companies for street and utility improvements to serve Princeton Crossing II. Thereupon a motion was offered by Council Member Emmanuelle and seconded by Council Member Lewis “to adopt the resolution”. Said motion passed by unanimous vote.

2015 BUDGETS

The City Council considered resolutions adopting the proposed budgets and appropriations for the fiscal year ending December 31, 2015 for the General Fund, the L.E. Phillips Memorial Public Library and the City - County Health Department. Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Duax to adopt the budget for the City General Fund”. Said motion passed by the following vote: Aye: Council Members Duax, Emmanuelle, Kincaid, Klinkhammer, Larsen, Mitchell, Strobel, Von Haden, Werthmann and Xiong. Nay: Council Member Lewis.

Thereupon a motion was offered by Council Member Xiong and seconded by Council Member Strobel “to adopt the budget for the L. E. Phillips Memorial Library”. Said motion passed by unanimous vote.

Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Mitchell “to adopt the budget for the City / County Health Department”. Said motion passed by the following vote: Aye: Council Members Duax, Emmanuelle, Kincaid, Klinkhammer, Larsen, Mitchell, Strobel, Von Haden, Werthmann and Xiong. Nay: Council Member Lewis.

The Council considered a resolution adopting the following proposed budgets for various city agencies and utilities for the fiscal year ending December 31, 2015:

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|---|-----------------------------|
| a. Economic Development | j. Water Utility |
| b. Community Enhancement | k. Sewer Utility |
| c. Downtown Fund | l. Storm Water Management |
| d. Cemetery Maintenance | m. Parking Utility |
| e. Hazardous Materials Response | n. Public Transit |
| f. Landfill Remediation | o. Hobbs Ice Center |
| g. Debt Service – General Fund | p. Outdoor Pool |
| h. Debt Service – TID #6
(Northeast Industrial Area) | q. Risk Management |
| i. Debt Service – TID #7
(Soo Line Development Area) | r. Central Equipment |
| | s. Redevelopment Authority. |

Thereupon a motion was offered by Council Member Larsen and seconded by Council Member Von Haden “to adopt the resolution”. Thereupon a motion was offered by Council Member

Mitchell and seconded by Council Member Emmanuelle “to amend the resolution by taking \$3,000 of the unassigned balance in the Community Enhancement Fund and allocating it to the Chippewa Valley Theater Guild”. Said motion to amend passed by following vote: Aye: Council Members Emmanuelle, Kincaid, Klinkhammer, Larsen, Mitchell, Strobel, Von Haden, Werthmann and Xiong. Nay: Council Members Duax and Lewis. Council then voted on resolution as amended. Said resolution was adopted by the following vote: Aye: Council Members Duax, Emmanuelle, Kincaid, Klinkhammer, Larsen, Mitchell, Strobel, Von Haden, Werthmann and Xiong. Nay: Council Member Lewis.

SPECIAL ASSESSMENTS

The Council considered a resolution levying special assessment charges and extending annual installments of 2014 special assessments. Thereupon a motion was offered by Council Member Emmanuelle and seconded by Council Member Lewis “to adopt the resolution”. Said motion passed by unanimous vote.

CAPITAL IMPROVEMENT PLAN

The Council considered a resolution approving the 2015 – 2019 Capital Improvement Plan. Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Duax “to adopt the resolution”. Thereupon a motion was offered by Council Member Lewis and seconded by Council Member Strobel “to amend said resolution by removing TID’s #8, #9, and #10 from the C.I.P. and consider them at a later date (TID #8 - Downtown Redevelopment Area (\$9,976,100); TID #9 – Gateway NW Park Overlay (\$1,563,100); TID #10 – Confluence Project (\$5,945,800)”. Council Members discussed the proposed amendment. Council Member Duax asked a question of the City Attorney regarding a possible lawsuit related to the Downtown TID projects. Council Member Larsen raised a point of order asserting that the question by Council Member Duax to the City Attorney falls under the Attorney- Client privilege, a privilege which has not been waived by the entire council. Council President Kincaid upheld the point of order. Council Member Duax challenged the ruling of the chair. The Council upheld the ruling of the chair by the following vote: Aye: Council Members Emmanuelle, Kincaid, Klinkhammer, Larsen, Mitchell, Werthmann and Xiong. Nay: Council Members Duax, Lewis, Strobel and Von Haden. The Council then voted on the motion to amend the resolution and remove TID’s #8, #9, and #10 from the C.I.P. Said motion to amend failed on the following vote: Aye: Council Members Lewis, Strobel and Von Haden. Nay: Council Members Duax, Emmanuelle, Kincaid, Klinkhammer, Larsen, Mitchell, Werthmann and Xiong. The Council then voted on the original motion to adopt the C.I.P. Said motion passed on the following vote: Aye: Council Members Duax, Emmanuelle, Kincaid, Klinkhammer, Larsen, Mitchell, Werthmann and Xiong. Nay: Council Members Lewis, Strobel and Von Haden.

Council Member Larsen left the Council Chamber.

OFFICIAL INTENT TO ISSUE BONDS

The Council considered a resolution authorizing the issuance of bonds and authorizing an officer to declare official intent for federal income tax purposes. Thereupon a motion was offered by

Council Member Xiong and seconded by Council Member Strobel “to adopt the resolution”. Said motion passed by unanimous vote.

BUSINESS IMPROVEMENT DISTRICT BUDGETS

The Council considered a resolution approving the 2015 Budgets for the Business Improvement Districts within the City and authorization to levy special assessments:

- a. South Barstow Business Improvement District
- b. West Grand Avenue Business Improvement District
- c. Water Street Business Improvement District
- d. N. Barstow/Medical Business Improvement District

Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Mitchell “to adopt the resolution”. Said motion passed by unanimous vote.

Council Member Larsen returned to the Council Chamber.

FEES AND LICENSES

The Council considered a resolution amending the City of Eau Claire Schedule of Fees and Licenses, effective January 1, 2015. Thereupon a motion was offered by Council Member Larsen and seconded by Council Member Von Haden “to adopt the resolution”. Said motion passed by unanimous vote.

SEWERAGE SERVICE CHARGE

The Council considered an ordinance amending Chapter 15.04 of the City Code of Ordinances entitled “Sewerage Service Charge” to increase the sewer user charges as proposed in the 2015 Program of Services. Thereupon a motion was offered by Council Member Emmanuelle and seconded by Council Member Klinkhammer “to adopt the resolution”. Said motion passed by unanimous vote.

ANNEXATION

The City Council had first reading on an ordinance in accordance with Section 66.0217 Wisconsin Statutes, annexing to the City of Eau Claire and particularly to the 15th Assessment Ward, 3rd Aldermanic District, that part of Government Lot 5, Section 36, T27N, R10W, Eau Claire County WI more particularly described as all lands lying in said Government Lot 5, lying west of new STH “37” right-of-way and south of Short Street right-of-way and east of old STH “37” (AKA Fehr Road), all in Section 36-27-10, Town of Brunswick, Eau Claire County, as shown on Planning Drawing No. 14-03A (Sonnentag petition).

PAY PLAN AND EMPLOYEE BENEFITS AND LEAVES PLAN

The City Council had first reading on an ordinance amending the Pay Plan for the City of Eau Claire, specifically that part thereof pertaining to the following employee categories: Clerical, Technical & Engineering, Supervisory, Fire Command, Police Command, Confidential, Division

Heads, Telecommunicators, Managerial and Federally Funded employees, and to further amend the Pay Plan, specifically that part thereof pertaining to the Parks & Recreation Temporary Pay Plan.

The City Council had first reading on an ordinance amending the City of Eau Claire Employee Benefits and Leaves Plan, specifically those parts pertaining to employee health insurance contributions and domestic partner benefits.

ADJOURNMENT

A motion was offered by Council Member Strobel and seconded by Council Member Werthmann “that this meeting does now adjourn.” Said motion passed by unanimous voice vote.

Adjournment: November 11, 2014

Time: 6:09 p.m.

/s/ Kerry J. S. Kincaid, Council President

ATTEST:

/s/ Donna A. Austad, City Clerk